

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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| In re: VANESSA R. PUTMAN, Debtor, CRESCENT BANK AND TRUST. Movant, v. VANESSA R. PUTMAN, and KENNETH E. WEST, Chapter 13 Trustee. Respondents. | Bankruptcy No. 21-11337-elf Chapter 13 Document No. |
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MOTION FOR RELIEF FROM THE AUTOMATIC STAY

AND NOW, comes Movant, Crescent Bank & Trust (the “Movant”), by and through its undersigned counsel, Bernstein-Burkley, P.C., and files this *Motion for Relief from the Automatic Stay* (the “Motion”), representing as follows:

THE PARTIES

1. Respondent, Vanessa R. Putman (the “Debtor”), is an adult individual with a place of residence located at 6919 Waxwing Place, Philadelphia, PA 19142.

2. Kenneth E. West, is the duly appointed Chapter 13 Trustee and is currently acting in such capacity.

JURISDICTION AND VENUE

3. This matter is a core proceeding and this Court has jurisdiction pursuant to 28 U.S.C. § 1334. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. Movant seeks relief pursuant to 11 U.S.C. § 362(d) and FRBP 4001 and 9014.

FACTUAL BACKGROUND

4. On or about May 11, 2021, the Debtor filed a voluntary petition for relief pursuant to Chapter 13 of the Bankruptcy Code.

5. On or about June 3, 2019, the Debtor purchased a 2017 Chevrolet Cruze Sedan 4D LT Turbo, VIN# 1G1BE5SMOH7118844 (the “Vehicle”), pursuant to a Retail Installment Sale Contract (the “Contract”) with the Movant, a true and correct copy of which is attached hereto as **Exhibit A**.

6. Movant has a secured interest in the 2017 Chevrolet Cruze Sedan 4D LT Turbo, VIN# 1G1BE5SMOH7118844, as evidenced by the Certificate of Title attached hereto as **Exhibit B**.

7. The Contract requires monthly payments of \$397.92, which amounts are due on or before the 18th of each month.

8. As of the date of this Motion, the Debtor is in default of their payment obligations to Movant in the amount of \$3,183.36. The Debtor is currently due for the payment due on November 18, 2022.

9. The Debtor’s Chapter 13 Plan states that payments to Movant will be made outside the Plan.

10. The gross balance due on the Contract is \$13,132.82.

11. The N.A.D.A value for the 2017 Chevrolet Cruze Sedan 4D LT Turbo, VIN# 1G1BE5SMOH7118844 is \$13,250.00. A true and correct copy of a printout showing that value is attached hereto as **Exhibit C**. Therefore, although there appears to be minimal equity, the Debtor is still responsible for making monthly payments to Movant.

12. Movant is entitled to relief from the automatic stay for cause, including the lack of adequate protection, because the Debtor has failed to make post-petition payments to Movant. 11 U.S.C. §362(d)(1).

WHEREFORE, Movant, Crescent Bank & Trust, respectfully requests that this Honorable Court enter an Order, pursuant to 11 U.S.C. § 362(d), granting Movant relief from stay with respect to the 2017 Chevrolet Cruze Sedan 4D LT Turbo, VIN# 1G1BE5SMOH7118844.

Respectfully submitted,

BERNSTEIN-BURKLEY, P.C.

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Dated: January 4, 2023